

Clean Water Act Section 303(d) New Program Vision and Measure

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This presentation will cover...

- New CWA 303(d) Program Vision
 - Vision and Goal Statements
 - Relationship to NPS Management Program (NPSMP) Components
 - Next Steps
- New CWA 303(d) Program Measure

Vision – an Updated Way to Manage the CWA 303(d) Program

- Not a regulatory or policy change
- Builds on lessons learned from > 65,000 TMDLs completed and era of program litigation
- Provides flexibility to states to set CWA 303(d) Program priorities in the context of its overall water program goals
- Orients accountability away from numbers of TMDLs to extent of priority waters addressed
- Coordination and focus for results
- Relationship to Strategic Plan/Measures

CWA 303(d) New Program Vision

The Clean Water Act Section 303(d) Program provides for effective integration of implementation efforts to restore and protect the nation's aquatic resources, where the nation's waters are assessed, restoration and protection objectives are systematically prioritized, and Total Maximum Daily Loads and alternative approaches are adaptively implemented to achieve water quality goals with the collaboration of States, federal agencies, tribes, stakeholders, and the public

A Refresher →

“Key Components of an Effective State NPS Management Program”

Appendix A to 319 Grant Guidelines, April 2013

1. Explicit short- and long-term goals, objectives, and strategies	2. Strengthened partnerships
3. Integration of programs	4. Resource allocation to protection & restoration
5. Identification & Prioritization of waters	6. Adaptive management to achieve & maintain WQ standards
7. Efficient & Effective Implementation	8. Review, Evaluation & Revision using measures of success

Prioritization Goal

For the 2016 integrated reporting cycle and beyond, States review, systematically prioritize, and report priority watersheds or waters for restoration and protection in their biennial integrated reports to facilitate State strategic planning for achieving water quality goals

- The intent of the Prioritization Goal is for States to express CWA 303(d) Program priorities in the context of the State's broader, overall water quality goals
- Provides flexibility to States to focus and integrate
- Provides transparency to the public on priorities by expressing them in the IR starting in 2016

**NPS Mgmt Program
Components
#1, #3, #5**

Assessment Goal

By 2020, States identify the extent of healthy and CWA Section 303(d) impaired waters in each State's priority watersheds or waters through site-specific assessment

- The purpose of this Goal is to encourage a comprehensive understanding of the water quality status of at least each State's priority areas by 2020
- Provides context for priorities
- Recognizes importance of post-implementation monitoring

NPS Mgmt Program
Components #1, #5, #8

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Protection Goal

For the 2016 reporting cycle and beyond, in addition to the traditional TMDL development priorities and schedules for waters in need of restoration, States identify protection planning priorities and approaches along with schedules to help prevent impairments in healthy waters, in a manner consistent with each State's systematic prioritization

- The intent of the Protection Goal is to encourage a more systematic consideration of management actions to prevent impairments in healthy waters (unimpaired waters)
- Protection approaches not required
- Consider value/potential role of protection

**NPS Mgmt Program
Component #4**

Alternatives Goal

By 2018, States use alternative approaches, in addition to TMDLs, that incorporate adaptive management and are tailored to specific circumstances where such approaches are better suited to implement priority watershed or water actions that achieve the water quality goals of each state, including identifying and reducing nonpoint sources of pollution

- The purpose of this Goal is to encourage the use of the most effective tool(s) to address water quality protection and restoration efforts
- Recognize TMDLs may not always be the most efficient or effective tool to address water quality issues
- Evaluate all approaches and their efficiencies
- Advance adaptive management in implementation

**NPS Mgmt Program
Component #3**

Engagement Goal

By 2014, EPA and the States actively engage the public and other stakeholders to improve and protect water quality, as demonstrated by documented, inclusive, transparent, and consistent communication; requesting and sharing feedback on proposed approaches; and enhanced understanding of program objectives

- The purpose of the Engagement Goal is to ensure the CWA 303(d) Program encourages working with stakeholders to educate, and facilitate stakeholder actions that work toward achieving water quality goals
- Communicate role of Listing TMDL program (brand), build capacity to engage to others

**NPS Mgmt Program
Component #2**

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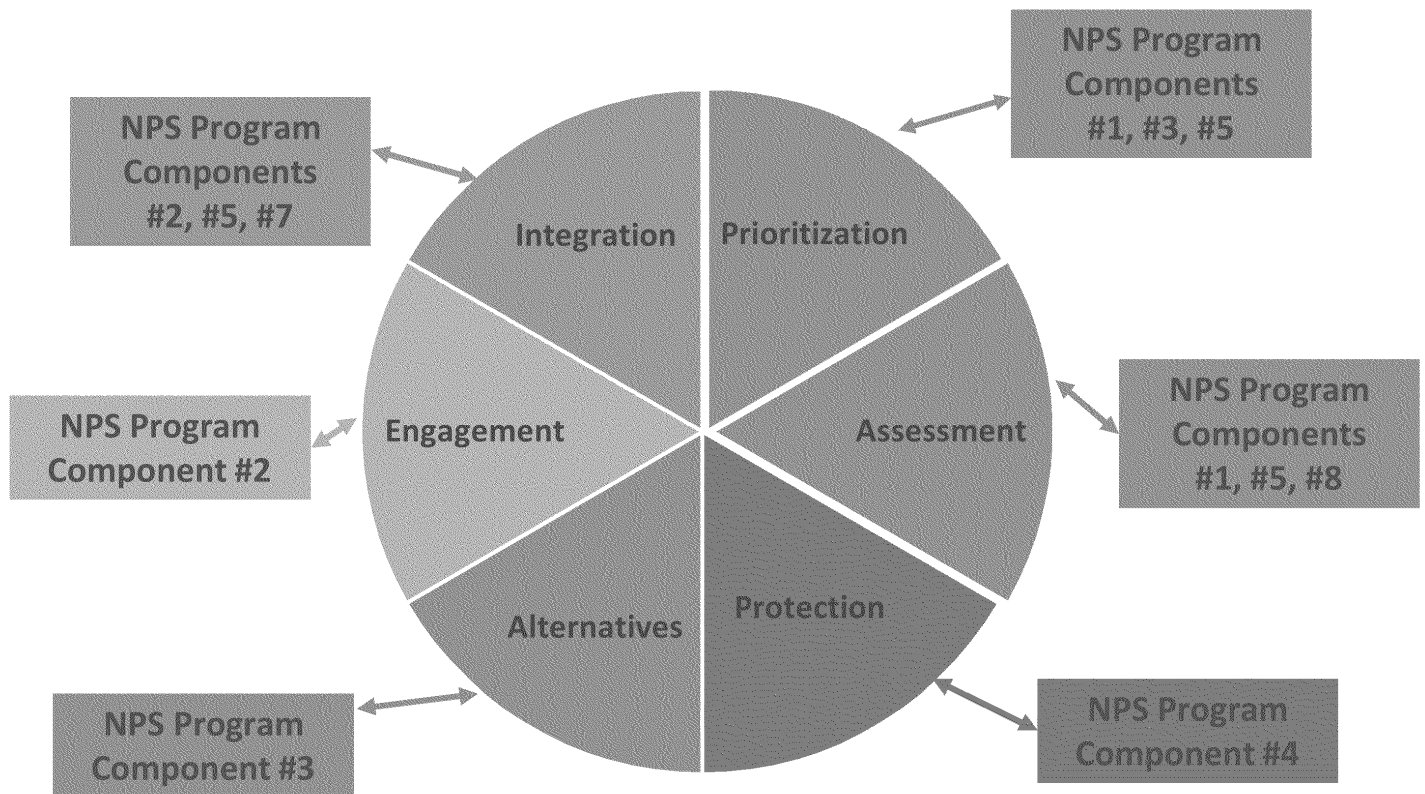
Integration Goal

By 2016, EPA and the States identify and coordinate implementation of key point source and nonpoint source control actions that foster effective integration across CWA programs, other statutory programs (e.g., CERCLA, RCRA, SDWA, CAA), and the water quality efforts of other Federal departments and agencies (e.g., Agriculture, Interior, Commerce) to achieve the water quality goals of each state

- The intent of this Goal is to integrate the CWA Section 303(d) Program with other relevant programs that play a role in influencing water quality, in order to collectively and more effectively achieve the water quality goals of States, Interstates, Tribes and Territories
- Strengthen connections with other programs for mutual benefits
- Results in better, efficient, more successful implementation

NPS Mgmt Program Components #2, #5, #7

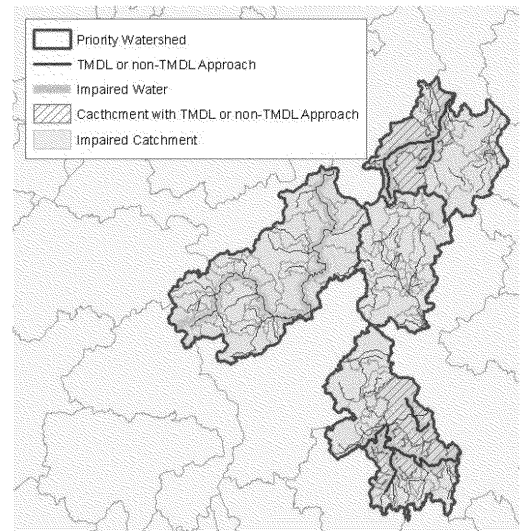
CWA 303d Vision & the NPS Management Program Components



New Metric for CWA 303(d) Program

Extent of priority areas identified by each State that are addressed by EPA-approved TMDLs or alternative restoration approaches for impaired waters that will achieve water quality standards. These areas may also include protection approaches for unimpaired waters to maintain water quality standards.

- Expressed as percentage of watershed area (by state and aggregated nationally) out of the *total watershed areas* of priority waters.
- Priority areas are defined by each State in close coordination with the EPA Regions and the public.
- Alternative restoration approach is a plan and/or a set of actions pursued in near-term (other than a TMDL) that in their totality are designed to attain water quality standards.
- Protection approach is a plan and/or a set of actions pursued in the near-term that are designed to maintain or improve unimpaired waters in attaining water quality standards.
- Targets are set annually as well as long-term for 2022.



Near-Term Steps:

- States and Regions collaborate on state priorities
- ACWA State calls and surveys:
 - December: State approaches on Prioritization
 - January: State approaches on Engagement
 - February: State approaches on Alternatives
 - April: Joint CWA 303d/CWA 319 call on prioritization
 - Upcoming: Second Joint CWA 303d/CWA 319 call on prioritization
- May 6-8, 2014 State/EPA Workshop on CWA 303d Program's New Vision
 - Primary Focus on Prioritization Goal
- New CWA 303d Program Measure in FY15!

Appendix

- Milestones for each Goal Statement of the CWA 303(d) Program Vision

Prioritization Goal Milestones

- ACWA surveys States on their current approaches and rationales to prioritizing water quality restoration and protection (e.g., PPA/PPG discussions, biennial impaired waters list, State Water Plans) to establish a baseline of prioritization philosophy. (2013)
- States provide to EPA, through ACWA, good examples of systematic prioritization processes/products of States, including emerging TMDL Vision Strategies. (2013)
- EPA and States collaborate on a workshop to present tools to aid prioritysetting, such as the Recovery Potential Tool and Healthy Water Initiative, as well as to address data availability issues and develop a template to account for State reporting on priorities for TMDL or alternative management process. (2014)
- EPA provides training on tools to assist States in the use of Statescale statistically representative survey results for prioritization. (2014)
- EPA includes in IR guidance for 2016 examples of how IR reporting process can house/reference State prioritization reports, including the appropriate definition and metric for such reporting. (2015)
- States house/reference State prioritization reports in 2016 IRs. Depending on how States prioritize, this could include: priority lists of waters slated for near term (~2 year) TMDL development or alternative approaches; priority waters scheduled for likely TMDL development or alternative approaches over 2016– 2022; priority waters awaiting management to protect their current condition from degradation; and the strategic rationale of the State in setting these priorities, which may include customized Vision Strategies. (2016)

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Assessment Goal Milestones

- States and EPA develop and distribute tools to support consistency in cycle-to-cycle tracking of water quality status. (2016)
- States and EPA develop and publish approaches to ensure linkage between priority waters and assessment units, and how to roll up different State approaches into a National total. (2018)
- States develop plans to complete “baseline” monitoring to gather needed data to assess pre-implementation conditions in priority areas. (2018)
- States develop plans to complete “effectiveness” monitoring to gather needed data to assess post-implementation conditions in priority areas. (2018)

Protection Goal Milestones

- ACWA surveys States on their current approaches and rationales to prioritizing protection of healthy waters (e.g., PPA/PPG discussions, State Water Plans, etc.) to establish a baseline of priority philosophy. (2013)
- States provide to EPA, through ACWA, good examples of systematic prioritization processes/products of States, including emerging TMDL Vision Strategies that include aspects of protection. (2013)
- EPA and States collaborate on workshop to present tools to aid in protecting healthy waters, as well as to develop a template to account for State reporting on protection priorities and schedules. (2014)

Alternatives Goal Milestones

- States compile an inventory of current and potential types of State approaches and rationales for pursuing near-term, alternative approaches to the traditional TMDL process (e.g., subcategories of Category 5 for on-going restoration efforts, Category 4b; Category 4c, etc.) to address impaired waters. (2014)
- EPA and States collaborate to identify factors or tools to aid States in deciding to pursue a TMDL or a non-TMDL alternative approach. Such factors or tools will address multiple considerations, including opportunities for a weight-of-evidence approach for selecting a TMDL or non-TMDL alternative approach, as well as identify circumstances where a TMDL or non-TMDL alternative are likely to be more successful. (2014)
- EPA and States compile a catalogue of good examples for each type of TMDL alternative approach based on the inventory results and guiding principles. (2014)
- EPA and States collaborate on a workshop and create a blueprint communicating how adaptive management can be applied during the implementation of TMDL and non-TMDL approaches to achieve water quality standards. (2016)
- EPA and States develop a reporting method for tracking non-TMDL approaches employed and their environmental results. (2017)

Engagement Goal Milestones

- States develop (or enhance an existing) framework or strategy to engage the public and other stakeholders. A public engagement strategy will identify key opportunities and actions to: communicate the Vision Goals to the public and other stakeholders and encourage their participation in achieving them; provide information about the purpose and critical importance of the program; and, encourage their participation in the process of listing and developing TMDLs or alternatives (2014)
- States develop a framework to ensure they have data to measure each Goal, with the aim of communicating the most relevant outputs and/or outcomes to key stakeholders in their state, and informing the public about their progress and accomplishments. (2015)
- EPA develops a strategy for communicating results of federal and state progress in implementing the program-wide Vision. (2015)
- States share success stories and/or lessons learned regarding engagement and report to EPA and ACWA. (2017)

Integration Goal Milestones

- The following milestones are expected to occur separately within the state and EPA in parallel efforts.
- States and EPA (HQ and Regions) individually bring their CWA programs together to identify areas for improved coordination and partnership and develop a plan for fostering better communication and coordination moving forward. (2014)
- States and EPA individually bring other applicable statutory program representatives and partner agencies together to identify areas for improved coordination and partnership and develop a plan for fostering better communication moving forward. (2014)
- States and EPA communicate the results of these discussions, at the regional level with the pertinent states and EPA region, or at national level with all states and all EPA regions and HQ. (2014)
- ACWA surveys States for good example case studies of such key collaboration efforts among CWA programs, other EPA statutory programs, or external partner agencies or authorities (as available). (2015)
- EPA and States collaborate on a workshop to discuss and identify the most important actions, partnerships, and authorities for the States and EPA to pursue in the near, mid-, and long-term, with each program partner. (2016)
- States and EPA initiate implementation of near, mid-, and long-term actions. (2016-2022)